

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Arturo Gary MILLER

Docket Number: 2:00CR00179-01

Offender Address: Stockton, California

Judicial Officer: Honorable William B. Shubb
United States District Judge
Sacramento, California

Original Sentence Date: 12/13/2000

Original Offense: 18 U.S.C. 922(g)(1) - Felon in Possession of a Firearm
(CLASS C FELONY)

Original Sentence: 70 months custody of the Bureau of Prisons;
36 months supervised release; \$100 special
assessment

Special Conditions: Warrantless search; Financial disclosure; Drug/alcohol
treatment, testing and co-payment; Cell phone/pager
restriction; Abstain from alcohol use

Type of Supervision: Supervised Release

Supervision Commenced: 06/07/2005

Assistant U.S. Attorney: James Arguelles **Telephone:** (916) 554-2700

Defense Attorney: Matthew Bockmon **Telephone:** (916) 498-5700

Other Court Action: None

RE: Arturo Gary MILLER
Docket Number: 2:00CR00179-01
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NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

- 1. ILLICIT DRUG USE - MORPHINE - 12/06/2005**
- 2. ALCOHOL USE - 12/03/2005**

Details of alleged non-compliance: Drug test results from December 3, 2005, and December 6, 2005, returned positive for Ethanol and Morphine, respectively. When interviewed, Mr. Miller admitted to occasional alcoholic beverage consumption since his release, but he denied illicit drug or prescription drug use.

United States Probation Officer Plan/Justification: After receipt of the above test results, Mr. Miller's drug testing was increased to six random tests per month. No additional positive tests have been submitted. He was continued in individual substance abuse counseling, where he attends one-hour sessions twice monthly (he has done very well in counseling). The probation officer will monitor the releasee's alcohol consumption closely. Mr. Miller has agreed not to consume alcoholic beverages for the remainder of his term of supervision. Mr. Miller has been in compliance with his other conditions and has done very well on supervised release.

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It is respectfully recommended the Court take no formal action in the case at this time. Mr. Miller is aware additional violations of this nature would likely result in his case being returned to Court for formal violation proceedings.

Respectfully submitted,

/s/ Richard W. Elkins

RICHARD W. ELKINS
United States Probation Officer
Telephone: (916) 683-3324

DATED: January 23, 2006
Elk Grove, California
RWE:kms

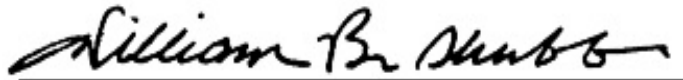
REVIEWED BY: /s/ Deborah A. Spencer
DEBORAH A. SPENCER
Supervising United States Probation Officer

RE: Arturo Gary MILLER
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THE COURT ORDERS:

(x) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.

Date: January 27, 2006



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

cc: United States Probation
James Arguelles, Assistant United States Attorney
Matthew Bockmon, Assistant Federal Defender

Attachment: Presentence Report